THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.25766 OF 2005

Dated 8th December 2005

Between:

G.R.Lingam S/o.Rajam

…Petitioner

And

The Regional Manager, APSRTC, Karimnagar Region,

Karimnagar & another

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 25766 OF 2005

O R D E R:

The petitioner is enlisted as Daily Wage Driver, in Karimnagar Region of APSRTC, and he is working at Korutla Depot, the 2nd respondent herein. The 2nd respondent addressed a letter, dated 28.11.2005, to the Regional Manager, Hyderabad City Region, stating that the services of the petitioner be temporarily utilized. The petitioner contends that he is paid meager salary, and it would be difficult for him, to have an establishment at Hyderabad, that too, when his engagement itself is uncertain. It is also contended that he would take his chance, according to the seniority, on rotation, and that the proposed transfer be set at naught.

Heard the learned counsel for the petitioner and the learned Standing Counsel for respondents.

On the ground that the petitioner has become surplus at Korutla Depot, the 2nd respondent proposed to keep him at the disposal of the Regional Manager, Hyderabad City Region. This Court would have been hesitant to interfere with the same, had it been a case where the petitioner is employed on regular basis, with the Regional Manager, Hyderabad City Region. Whether the petitioner is with the 2nd respondent as of now, or with the Regional Manager, Hyderabad City Region, after such a transfer, the engagement of the petitioner is strictly on rotation basis, and subject to availability of work. Requiring him to reside at Hyderabad for all those days, would certainly cause hardship to him. When the petitioner himself is prepared to work under the existing conditions, the 2nd respondent cannot have any plausible objection.

For the foregoing reasons, the writ petition is allowed, and it is directed that the petitioner be continued on the rolls of the

2nd respondent. The engagement of the petitioner shall be subject to availability of work, and in accordance with seniority maintained for him. There shall be no order as to costs.

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8th December 2005

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